



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

[Handwritten signature]

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|-------------------|
| 10/008,221 | 11/06/2001 | Otto Mayer | 4499-516 | 6968 |
| 24112 | 7590 | 01/31/2003 | | |
| COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602 | | | EXAMINER | MOHANDESI, IRAJ A |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2834 | |
| | | | DATE MAILED: 01/31/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/008,221 | MAYER ET AL. |
| | Examiner | Art Unit |
| | Iraj A Mohandes | 2834 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 November 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 and 24 is/are rejected.

7) Claim(s) 23 and 25-28 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 November 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a slide way (2) as described in the specification page 9, line 7 . Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3,7-13,19,20,22 and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by **Bader US patent 5,763,965**.

Bader'965 discloses a linearly displaceable transport system including at least one product carrier which is adapted to be moved along a slide way by means of a linear motor drive unit comprising; a primary part (81, column 10, line 56, Fig.8b) a secondary part (82, column 10, line 57) wherein the product carrier is provided with a substantially flat base plate (surface of the 82 Fig. 8b) for transporting objects wherein that the primary part is arranged on a vehicle and associated with the slide way of the secondary part (82 and 87' moving part relative to 81, Fig. 8b) said vehicle being

adapted to be coupled to the base plate (82, Fig. 8b) the primary part is arranged on the lower surface of said base plate (82 and 87', Fig. 8b) the primary part is arranged in the base plate such that it is at least partially embedded therein (88b' and 88b") are imbedded in 81, Fig. 8b), the slide way is formed by a pair of slide rails held in spaced relationship with one another by a plurality of support sections set (84a' and 84b' the railway of the roller bearing Fig. 8b), a cover section is arranged (84") is cover part supporting roller bearing) , wherein the secondary part is arranged on the cover section along the slide way (82 arranged on the cover part Fig. 8b), wherein the base plate is guided along the slide rails along its longitudinal edges and the base plate has longitudinal edges and wherein said base plate is guided along the slide rails along its lower surface (Fig. 8b) 10 adjacent said longitudinal edges, wherein elements are arranged between said base plate and the slide way for guiding the base plate, said elements selected from the group consisting of roller elements, spherical elements, (84b and 84a ,column 10 ,line 53, Fig.8b) a position determination unit (measurement system column 5 line 63) is fitted to the table for measuring the position) wherein the slide way is formed by a pair of slide rails held in spaced relationship with one another by a plurality of support sections set up substantially vertically on a foundation; wherein a cover section is arranged between the support sections (Fig. 8), wherein the vehicle slide way is implemented in the cover section as a substantially U-shaped slide-way groove(84b' Fig. 8b) which is open at the top in the direction of the base plate, wherein the slide-way groove is adapted to be covered by a cover having formed therein a slot

which extends in the direction of movement (84a ,the race of the roller bearing Fig. 8b)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bader'965 in view of Basic US patent 4793,263.**

Bader'965 discloses a linearly displaceable transport system including at least one product carrier which is adapted to be moved along a slide way by means of a linear motor drive unit comprising; a primary part (81, column 10, line 56, Fig.8b) a secondary part (82, column 10, line 57) wherein the product carrier is provided with a substantially flat base plate (surface of the 82 Fig. 8b) for transporting objects wherein that the primary part is arranged on a vehicle and associated with the slide way of the secondary part (82 and 87' moving part relative to 81, Fig. 8b) said vehicle being adapted to be coupled to the base plate (82, Fig. 8b) the primary part is arranged on the lower surface of said base plate (82 and 87' , Fig.8b) the primary part is arranged in the base plate such that it is at least partially embedded therein (88b' and 88b" are imbedded in 81 , Fig. 8b), the slide way is formed by a pair of slide rails held in spaced relationship with one another by a plurality of support sections set (84a' and 84b' the railway of the roller bearing Fig. 8b), a cover section is arranged (84" is cover part supporting roller bearing) ,wherein the secondary part is arranged on the cover section

along the slide way (82 arranged on the cover part Fig. 8b),wherein the base plate is guided along the slide rails along its longitudinal edges and the base plate has longitudinal edges and wherein said base plate is guided along the slide rails along its lower surface (Fig. 8b)10 adjacent said longitudinal edges, wherein elements are arranged between said base plate and the slide way for guiding the base plate, said elements selected from the group consisting of roller elements, spherical elements,(84b and 84a ,column 10 ,line 53, Fig.8b)a position determination unit (measurement system column 5 line 63) is fitted to the table for measuring the position) wherein the slide way is formed by a pair of slide rails held in spaced relationship with one another by a plurality of support sections set up substantially vertically on a foundation; wherein a cover section is arranged between the support sections (Fig. 8), wherein the vehicle slide way is implemented in the cover section as a substantially U-shaped slide-way groove(84b' Fig. 8b) which is open at the top in the direction of the base plate, wherein the slide-way groove is adapted to be covered by a cover having formed therein a slot which extends in the direction of movement (84a ,the race of the roller bearing Fig. 8b) However **Bader'965** fails to teach a transport system where the linear motor drive is a synchronous motor having a voltage supply, which is arranged in the base. **Basic'263** discloses a transport system where the linear motor drives is a synchronous motor (column 3 ,line 67)having a voltage supply (18, column 4, line 5 and 62) which is arranged in the base (18, Fig.1,2) for the purpose of rotating electromagnetic field and magnetizing the motor coil.

Therefore it would have been obvious to one having skill in the art at the time the invention was made to combine **Bader'965** transport system with a synchronous linear motor drive having a voltage supply, which is arranged in the base as taught by **Basic'263** for the purpose of generating a rotating electromagnetic field and energizing the magnetic coil by voltage source.

6. **Claims 14-18 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over combination of **Bader'965** and **Basic'263** as applied to **claims 1-13-20,22 and 24** above, and further in view of **Mosciati US patent 6005310**.

However the combined transport device of **Bader'965** and **Basic'263** fails to teach a display means and a communicating deceive for communicating and interrogating data with the moving part.

Mosciati'310. discloses a linear motor with a display means and a communicating deceive for communicating and interrogating data with the moving part for the purpose of communicating with the moving part of the linear motor and determining the location of the moving part (vesicle).

Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify **Bader'965** and **Basic'263** transport system with a display means and a communicating deceive for communicating and interrogating data with the moving part for the purpose of communicating with the moving part of the linear motor and determining the location of the moving part (vesicle).

Allowable Subject Matter

Claims 23,25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandes who's telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-0377.


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

IM
January 27, 2003